



# Washington State Labor Council, AFL-CIO

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January 2, 2003

Marilyn Showalter, Chair  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

Dear Ms. Showalter:

On behalf of the Washington State Labor Council, AFL-CIO, and its over 430,000 affiliated members, I'm writing to urge the immediate codification of FRA Notice of Safety Advisory 2001-01 into Washington State Law. As you may know, there are currently no FRA regulations of Remote Control Locomotive operations, only recommendations. As a result, the railroads are being allowed to self-regulate, with negative results.

On August 6, 2002, there was a major incident involving an RCL on the Puget Sound and Pacific Railroad near Shelton. A one-man, Remote Control Locomotive train got away from the operator (who was standing on the ground), ran out of control for a few miles and then slammed into two trucks at a lumber mill. Fortunately, no one was hurt this time.

This accident is exactly the example that the Brotherhood of Locomotive Engineers has been trying to warn Washington citizens about for well over a year. The Puget Sound and Pacific Railroad is not unique in utilizing this remote control technology. The BNSF is using this technology in Washington and soon the UPRR will also implement LRC technology in our state.

Nor is the above accident an isolated event. Numerous other events have occurred in Washington and throughout the U.S. by railroads using LRC technology, and the risk to Washington's railroad workers, citizens and environment is very real and grows with each additional implementation.

We believe there is an opportunity to address LRC hazards by codifying into Washington State law the recommendations published by the Federal Railroad Administration. This codification would not violate the preemption clause in federal regulations inasmuch as the FRA itself has promulgated the recommendations and provided guidance for the entire U.S. rail industry.

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We also believe that codifying these recommendations in state law coordinates the rail safety efforts of Washington State and federal government, while at the same time providing the necessary oversight to protect Washington citizens, rail workers and the environment.

Had these recommendations been codified prior to the August 2002 accident, perhaps the PSAP would have abided by them and the Shelton incident could have been avoided. Though the recommendations provide the minimum necessary actions from the FRA's perspective for safe LRC operations, the PSAP ignored those recommendations, resulting in the Shelton accident. By giving these recommendations the force of law, real protection can be provided to Washingtonians and our environment.

Again, I ask that the Washington State Utilities and Transportation Commission act quickly to codify FRA Notice of Safety Advisory 2001-01 into Washington State Law.

Sincerely,



Rick S. Bender  
President

RSB:jh  
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